

Members

Rep. Jeff Thompson, Chairperson
Rep. Dan Leonard
Rep. William Davis
Rep. R. Tiny Adams
Rep. Scott Reske
Rep. Vern Tincher
Sen. Sue Landske, Vice-Chairperson
Sen. Marvin Riegsecker
Sen. Brent Waltz
Sen. Larry Lutz
Sen. Glenn Howard
Sen. Allie Craycraft



INTERIM STUDY COMMITTEE ON FIRE SAFETY ISSUES

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Authority: Legislative Council Resolution 05-01

MEETING MINUTES¹

Meeting Date: October 20, 2005
Meeting Time: 1:30 P.M.
Meeting Place: State House, 200 W. Washington
St., Room 130
Meeting City: Indianapolis, Indiana
Meeting Number: 3

Members Present: Rep. Jeff Thompson, Chairperson; Rep. Dan Leonard; Rep. William Davis; Rep. Vern Tincher; Sen. Brent Waltz; Sen. Larry Lutz; Sen. Allie Craycraft.

Members Absent: Rep. R. Tiny Adams; Rep. Scott Reske; Sen. Sue Landske, Vice-Chairperson; Sen. Marvin Riegsecker; Sen. Glenn Howard.

Chairperson Thompson called the meeting to order at 1:44 p.m. The members of the Committee introduced themselves and stated the district that they represent.

1. Final Discussion Regarding Building, Fire, and Equipment Laws

No testimony or discussion ensued regarding this topic.

¹ Exhibits and other materials referenced in these minutes can be inspected and copied in the Legislative Information Center in Room 230 of the State House in Indianapolis, Indiana. Requests for copies may be mailed to the Legislative Information Center, Legislative Services Agency, 200 West Washington Street, Indianapolis, IN 46204-2789. A fee of \$0.15 per page and mailing costs will be charged for copies. These minutes are also available on the Internet at the General Assembly homepage. The URL address of the General Assembly homepage is <http://www.in.gov/legislative/>. No fee is charged for viewing, downloading, or printing minutes from the Internet.

2. Final Discussion Regarding Fire Safety in Dormitories and Senior Care Facilities

T. J. Burns, of the Indianapolis Fire Department and representing the Fire Inspectors Association of Indiana, congratulated the Committee on its stand towards fire safety. He would like to see the time for implementation of the requirement of sprinklers in nursing homes be lowered to no more than seven years. Senator Waltz voiced his concern that the issue herein is trying to balance two legitimate concerns, those being fire safety and retrofitting costs. Since nursing homes included in federal programs will need to have hard-wired smoke detectors by next spring, Chairperson Thompson asked Mr. Burns if sprinklers would still be needed. Mr. Burns believes so, in that fatal smoke can develop before sprinklers go off, and vice versa. Mary Ann Maroon of the Indiana Health Care Association (IHCA) gave the Committee the Sprinkler Report (Exhibit A), a list of partially sprinklered and non-sprinklered facilities in Indiana.

Mark Riffey, representing the Indiana Fire Sprinkler Association, provided Exhibit B, Testimony Regarding Fire Safety Issues. Mr. Riffey called the Committee's attention to pages 2 and 3 of the exhibit and spoke to the issue of the cost of retrofitting institutions for sprinklers. Many of the older buildings may have standpipes which can be utilized in the retrofitting process.

Jeff Hugo, representing the National Fire Sprinkler Association, furnished a Memorandum (Exhibit C). He commended Indiana for its high proportion of sprinklered nursing homes. Rep. Tincher asked if the type of construction minimizes the danger to residents, and Mr. Hugo stated that masonry suppresses but does not contain a fire.

Jim Lindeman of the Sprinkler Fitters Local #669 supported the Committee's interest in placing sprinklers in college dormitories, nursing homes, and assisted living facilities. He stated that his union has sufficient manpower to carry out any legislative mandates.

Mike Broderick of the International Masonry Institute referenced a portion of Exhibit B of the August 9, 2005 meeting of the Committee (Exhibit D), pertaining to new construction, as a model code that the Committee might use if it decides to propose legislation.

Mary Ann Maroon of IHCA corrected Exhibit A to delete Augustine Home for the Aged (page 3 of Exhibit A). IHCA's position is that a five year deadline for the retrofitting of sprinklers in nursing homes is sufficient. A 100 bed facility would cost about \$250,000 to retrofit unless there are structural problems. Representative Davis asked Ms. Maroon if the IHCA still favored a notification on the Indiana State Department of Health's website regarding whether sprinklers were in nursing homes; IHCA is in favor. Senator Waltz wondered if this issue needs to be legislated; Ms. Maroon said that the question had not been considered by IHCA.

Jim Leich of the Indiana Association of Home and Services for the Aging was concerned that many of the institutions on the list of those without full sprinkler systems are non-profit entities. Because of that, he cannot agree that those who fail to fully sprinkler are driven by profit rather than safety. His association also supports mandatory disclosure for future residents of the nursing homes that are not totally sprinklered. Mr. Leich stated that there is no definition of "assisted living" in the Indiana Code as there are many different types of assisted living situations. Mr. Leich stated that his organization's members would like to have fully sprinklered facilities if they could come up with the financing ability to do so.

Michelle Niemier, Executive Director of United Senior Action, stated that there were four items of consideration that her organization felt were important. Disclosure of sprinklered status is important for future residents of a facility, sprinklers are necessary even if the

facility has smoke detectors, hard wired smoke detectors that hook into the entire facility's fire alarm system are important, and an opportunity to utilize creative financing might help some institutions secure sprinklers more quickly. Representative Davis asked what would be considered creative financing and Ms. Niemier responded that perhaps tax incentives for small businesses could help, or perhaps monies that go to the Indiana State Department of Health for civil penalties could be used. She has not fully considered this suggestion, as it was not a topic of study for this interim commission.

Senator Waltz stated that he was not in favor of a loan program for retrofitting assistance in that some of these institutions cannot incur any other debt. Referring to Exhibit C and its listing for Florida's fire sprinkler retrofit timelines, Representative Tincher was concerned that nursing homes cannot evacuate their residents in under three minutes.

Kathy Smith Andrews, Associate Director for State Relations for Indiana University, wanted to assure the Committee that students in Indiana University dormitories are safe. The dormitories all have hard wired smoke detectors in the hallways and each has a fire drill each semester. When a dormitory is remodeled, it receives sprinklers. Fraternities and sororities affiliated with Indiana University have a fire inspection at least once a year. Ms. Smith Andrews responded to Representative Tincher's inquiry that all dormitories are of masonry construction, and that room furnishings provided by the University are fire retardant as well.

Jerry Loper, Facility Director at the Indiana Masonic Home, stated that his institution has a new fire alarm system that alerts authorities immediately in case of fire. As the facility has been remodeled, it has always been upgraded, but some parts have not yet been sprinklered.

Referring to Exhibit C (page 4), Representative Leonard felt that if the percentage of fully sprinklered nursing homes is reported correctly, Indiana at 96% is almost at the top of the list.

Representative Tincher and Senator Waltz desired a shorter retrofit timeframe for sprinkler compliance than in PD 3207, a preliminary draft of legislation (Exhibit E), but Representative Leonard disagreed. He did not want nursing homes to have to go into retrofitting and then have to do a remodel in a short time. Senator Waltz felt that it is important to balance the negatives and the positives of this issue.

Discussion ensued regarding (PD 3207) and its wording. Concern was voiced about the definition of "health care facility"; the Committee wanted that language to refer specifically to a nursing home. Representative Thompson said that he was reluctant to add assisted living and dormitories to the sprinkler requirements equivalent to those of nursing homes. His concern was that assisted living units are not defined in Indiana statutory or regulatory law, and that they vary in the services provided to the residents. Legislative Services Agency staff was directed to ensure that the version for introduction would refer specifically to a nursing home. With that amendment, the Committee approved PD 3207 with a vote of 7-0.

The draft version of the final report (Exhibit F) was reviewed by the Committee. The Committee agreed that the recommendation stated in the draft version, that "the state department of health be required to display information about the installation of sprinkler systems in its Consumer Report of long term care facilities" be a part of the final report. It also agreed that PD 3207, with amendment as stated in the above paragraph, was to be prepared for introduction in the 2006 General Assembly. It approved the final report, 7-0, with a direction to the Legislative Services Agency staff that the draft of the final report be

modified to include the testimony and appearances of witnesses from the third meeting.

The Committee was adjourned by Chairperson Thompson at 2:55 p.m.